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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

2002 FEB 28 PM 4:22

NEIL GAIMAN,
a resident of Wisconsin, and
MARVELS AND MIRACLES, LLC,
a Wisconsin Limited Liability Company,

J W SKUPNIEWITZ
CLERK US DIST COURT
WD OF WI

Case No.: 02-C-0048-S

Plaintiffs,

v.

TODD MCFARLANE, a resident of
Arizona, and TODD MCFARLANE
PRODUCTIONS, INC., an Arizona
corporation, TMP INTERNATIONAL,
INC., a Michigan corporation,
MCFARLANE WORLDWIDE, INC., a
Michigan corporation, and IMAGE
COMICS, INC., a California corporation,

Defendants.

PLAINTIFFS' PRELIMINARY PRE-TRIAL CONFERENCE REPORT

Pursuant to Fed. R. Civ. P. 26 (f) and the Court's February 20, 2002 Order Scheduling Preliminary Pre-trial Conference, plaintiffs Neil Gaiman and Marvels and Miracles, LLC, submit the following Preliminary Pre-Trial Conference Report.

1. **Nature of the Case.** This is an action for, among other things, copyright infringement, Lanham Act violations, breach of contract, and fraud. The parties are all significant participants in the comic book industry. The claims of plaintiffs Neil Gaiman and Marvels and Miracles stem from an agreement between Gaiman and the defendants relating to defendants' use of certain comic book characters created by Gaiman. Plaintiffs

allege that defendants breached the agreement and have been commercially exploiting Gaiman's characters in violation of federal law.

2. Jurisdiction and Venue. Plaintiffs are unaware of any issues relating to lack of jurisdiction or improper venue.

3. Amendments to Pleadings. Plaintiffs do not anticipate making any amendments to their pleadings at this time.

4. Motions Being Contemplated. Plaintiffs anticipate filing a motion for summary judgment.

5. Discovery Deadline. Plaintiffs propose that discovery be completed 30 days prior to trial.

6. Rule 26(a)(1) Disclosures. Plaintiffs propose that the parties make their Rule 26(a)(1) disclosures on or before April 5, 2002.

7. Other Discovery Matters. Given the central role played by defendant Todd McFarlane in the events giving rise to this action, plaintiffs request that they be granted 14 hours of deposition time with Mr. McFarlane.

8. Trial and Pre-Trial Conference Dates. Plaintiffs request that the trial be scheduled for sometime prior to the third week in August or after the second week in September. Mr. Gaiman is currently scheduled to conduct a book tour in Europe during latter part of August and early September. Plaintiffs request that the final pre-trial conference be held approximately one week prior to trial.

Dated this 28th day of February, 2002.

FOLEY & LARDNER

By: _____

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CERTIFICATE OF SERVICE

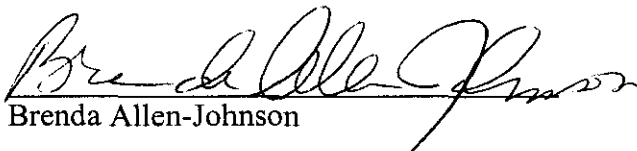
I, Brenda Allen-Johnson, hereby certify that I am an employee of Foley & Lardner, that on the 28th day of February, 2002, I caused a true and correct copy of **Plaintiffs' Preliminary Pretrial Conference Report** to be served by facsimile and First Class, U.S. Mail on counsel for defendants as follows:

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